



PUBLIC NOTICE

Federal Communications Commission
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DA 03-3389

October 24, 2003

**In the Matter of Atlantic Telco, Inc. and Tel & Tel Payphones, Inc.
Request for Declaratory Ruling**

NOTICE OF PROCEEDING TERMINATION

On November 15, 1993, the Common Carrier Bureau¹ released an order in the above-referenced proceeding determining that the payphone petitioners Atlantic Telco and Tel & Tel Payphones were not customers for purposes of AT&T's Tariff No. 1.² On December 15, 1993, AT&T filed a petition for reconsideration of the *Atlantic Telco Order*. Subsequently, AT&T and the payphone petitioners entered into a settlement of the dispute underlying the petitioners' request for declaratory ruling, and on April 14, 1994, the parties filed a joint motion to vacate the Bureau's order. In the joint motion, the parties assert that their settlement agreement precludes reconsideration of the Bureau's order and ask the Commission to dismiss the proceeding.³ We construe the joint motion as a request to withdraw AT&T's petition for reconsideration, and therefore AT&T's petition for reconsideration is dismissed without prejudice.⁴ The parties' settlement agreement and the passage of time have mooted the remaining issue in this proceeding, the parties' motion to vacate the Bureau's order. Therefore, this proceeding will be terminated effective 30 days after publication of this Public Notice in the Federal Register, unless the Wireline Competition Bureau receives an opposition to the termination before that date.

Parties filing oppositions to the termination of this proceeding must file an original and four copies of each filing. The filings should reference the DA number of this Public Notice, **DA 03-3389**. Filings can be sent by hand or messenger delivery, by commercial overnight courier,

¹ The Common Carrier Bureau is now the Wireline Competition Bureau.

² *Atlantic Telco, Inc. and Tel & Tel Payphones, Inc. Request for Declaratory Ruling*, Order, 8 FCC Rcd 8119 (Com. Car. Bur. 1993) (*Atlantic Telco Order*).

³ AT&T, Atlantic Telco, and Tel & Tel Payphones, Inc. Joint Motion to Vacate Decision at 3-4 (filed Apr. 14, 1994).

⁴ 47 C.F.R. § 1.748.

or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Parties are also requested to send a courtesy copy of their oppositions to Jennifer McKee, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission. Courtesy copies may also be sent via e-mail to jennifer.mckee@fcc.gov.

Action by the Chief, Pricing Policy Division, Wireline Competition Bureau.

For further information, contact Jennifer McKee of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1530.

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